

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA (PHILADELPHIA)**

IN RE: JOSEPH COLUCCI	Case No. 19-16972-amc
<hr/> FREEDOM MORTGAGE CORPORATION  Movant  vs.  JOSEPH COLUCCI Respondent	Chapter 13       11 U.S.C. §362

**NOTICE OF MORTGAGE FORBEARANCE DUE TO THE COVID-19 PANDEMIC**

NOW COMES Creditor, Freedom Mortgage Corporation (“CREDITOR”), by and through undersigned counsel, and hereby submits Notice to the Court of the forbearance offer with respect to Creditor’s residential mortgage claim which is identified on the Court’s claim register as Claim No. 11 (the “Claim”).

The Claim is eligible for a forbearance period based upon the Debtor’s material financial hardship caused by the COVID-19 pandemic. As a result, the Debtor shall not be required to tender mortgage payments to Creditor that would come due on the Claim starting December 1, 2020 through May 31, 2021.

Creditor, at this time, does not waive any rights to collect the payments that come due during this forbearance period.

Debtor will resume Mortgage payments beginning June 1, 2021 and will be required to cure the delinquency created by the forbearance period (hereinafter “forbearance arrears”).

Prior to the expiration of the forbearance period, Debtor must either (1) request additional forbearance time under Local Rule, State or Federal Law; (2) enter into loss mitigation with Creditor; or (3) file an Amended Chapter 13 Plan which cures the arrears resulting from the forbearance period over the remainder of the Chapter 13 Plan.

Creditor does not waive its rights under the terms of the note and mortgage or under other applicable non-bankruptcy laws and regulations, including, but not limited to, RESPA, and the right to collect on any post-petition escrow shortage.

January 29, 2021

Respectfully Submitted,

/s/ Andrew Spivack

Andrew Spivack

(Bar No. 84439)

Attorney for Creditor

BROCK & SCOTT, PLLC

302 Fellowship Road, Suite 130

Mount Laurel, NJ 08054

Telephone: 844-856-6646 x3017

Facsimile: 704-369-0760

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and exact copy of the foregoing Notice Of Mortgage Forbearance Due To The Covid-19 Pandemic has been electronically served or mailed, postage prepaid on January 29, 2021 to the following:

JOSEPH COLUCCI  
9315 RISING SUN AVE  
PHILADELPHIA, PA 19115-3716

MICHAEL SETH SCHWARTZ, ESQUIRE  
LAW OFFICE OF MICHAEL SCHWARTZ  
707 LAKESIDE OFFICE PARK  
SOUTHAMPTON, PA 18966

WILLIAM C. MILLER, BANKRUPTCY TRUSTEE  
CHAPTER 13 TRUSTEE  
PO BOX 1229  
PHILADELPHIA, PA 19105

UNITED STATES TRUSTEE, US TRUSTEE  
OFFICE OF THE U.S. TRUSTEE  
200 CHESTNUT STREET, SUITE 502  
PHILADELPHIA, PA 19106

/s/ Andrew Spivack  
Andrew Spivack  
(Bar No. 84439)  
Attorney for Creditor  
BROCK & SCOTT, PLLC  
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Facsimile: 704-369-0760  
E-Mail: [PABKR@brockandscott.com](mailto:PABKR@brockandscott.com)

**Fill in this information to identify the case:**

Debtor 1 JOSEPH COLUCCI

Debtor 2  
(Spouse, if filing)

United States Bankruptcy Court for the: Eastern District of Pennsylvania

Case number 19-16972-amc

Official Form 410S1

## Notice of Mortgage Payment Change

12/15

If the debtor's plan provides for payment of postpetition contractual installments on your claim secured by a security interest in the debtor's principal residence, you must use this form to give notice of any changes in the installment payment amount. File this form as a supplement to your proof of claim at least 21 days before the new payment amount is due. See Bankruptcy Rule 3002.1.

Name of creditor: Freedom Mortgage Corporation

Court claim no. (if known): 11

Last four digits of any number you use to identify the debtor's account: 3123

Date of payment change: \_\_\_\_\_

Must be at least 21 days after date of this notice

New total payment: Principal, \$ Forbearance  
interest, and escrow, if any

### Part 1: Escrow Account Payment Adjustment

1. Will there be a change in the debtor's escrow account payment?
- ☐ No
- ☐ Yes. Attach a copy of the escrow account statement prepared in a form consistent with applicable nonbankruptcy law. Describe the basis for the change. If a statement is not attached, explain why: \_\_\_\_\_

Current escrow payment: \$ \_\_\_\_\_ New escrow payment: \$ \_\_\_\_\_

### Part 2: Mortgage Payment Adjustment

2. Will the debtor's principal and interest payment change based on an adjustment to the interest rate in the debtor's variable-rate note?
- ☐ No
- ☐ Yes. Attach a copy of the rate change notice prepared in a form consistent with applicable nonbankruptcy law. If a notice is not attached, explain why: \_\_\_\_\_

Current interest rate: \_\_\_\_\_ % New interest rate: \_\_\_\_\_ %

Current principal and interest payment: \$ \_\_\_\_\_ New principal and interest payment: \$ \_\_\_\_\_

### Part 3: Other Payment Change

3. Will there be a change in the debtor's mortgage payment for a reason not listed above?
- ☐ No
- ☒ Yes. Attach a copy of any documents describing the basis for the change, such as a repayment plan or loan modification agreement. (Court approval may be required before the payment change can take effect.)

Reason for change: Debtor's request for COVID19 forbearance arrangement (see attached)

Current mortgage payment: \$ \_\_\_\_\_ New mortgage payment: \$ \_\_\_\_\_

Debtor1 JOSEPH COLUCCI  
First Name Middle Name

Last Name

Case number (if known) 19-16972-amc

#### Part 4: Sign Here

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number.

Check the appropriate box.

☐ I am the creditor.

☒ I am the creditor's authorized agent.

I declare under penalty of perjury that the information provided in this Notice is true and correct to the best of my knowledge, information, and reasonable belief.

**X** /s/ Andrew Spivack  
Signature

Date 01/29/2021

**Print: Andrew Spivack (84439)**  
First Name Middle Name

Last Name

Title Attorney

Company Brock & Scott, PLLC

Address 302 Fellowship Road, Suite 130  
Number Street

Mount Laurel, NJ 08054  
City State ZIP Code

Contact phone 844-856-6646 x3017

Email PABKR@brockandscott.com

**This use of Official Form 410S1 and of the electronic filing method for a Notice of Payment Change is being used to provide interested parties with notice of a forbearance arrangement, detailed below. This form is only being used to express a change in the debtor's payment arrangement within the functionality available in the Courts' CMECF systems. The use of this form in no way implies that a change in payment amount is occurring or has occurred on the account. This filing does not imply that the provisions of FRBP 3002.1 apply to this filing, nor does the Servicer/Creditor consent to the application of any provisions of FRBP 3002.1 to this filing.**

**NOTICE OF TEMPORARY FORBEARANCE**

Effective Date of Forbearance : December 1, 2020  
Termination Date of Forbearance : May 31, 2021

FREEDOM MORTGAGE CORPORATION ("SERVICER") hereby provides notice that due to a recent financial hardship resulting directly or indirectly from the COVID-19 emergency, the Debtor has requested, and SERVICER has provided, a temporary suspension of post-petition mortgage payment(s) due and owing in the time period referenced above (the "Forbearance Period"). This short-term relief is consistent with the COVID-19 relief available under the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

During the Forbearance Period, all terms and provisions of the mortgage note and security instrument, other than the payment obligations, will remain in full force and effect unless otherwise adjusted by this court or through a loan modification.

During the Forbearance Period, Debtor and/or Debtor's attorney (if applicable) should work with the SERVICER and the bankruptcy trustee to explore potential remedies to cure any outstanding post-petition mortgage payment(s) at the termination date of the Forbearance Period. Any outstanding post-petition mortgage payment(s) for which there is not an agreed cure will remain due and owing as of the termination date of the Forbearance Period.

This Notice does not constitute an amendment or modification to the Debtor's plan of reorganization and does not relieve the Debtor of the responsibility to amend or modify the plan of reorganization to reflect the forbearance arrangement, if required.

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